

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Reinhard Graf et al.
App. No	: 10/501,004
Filed	: December 13, 2004
For	: ACCESSORY FOR IMPLANTING A HIP ENDOPROSTHESIS, AND METHOD FOR MANIPULATING THE SAME
Examiner	: SHAFFER, RICHARD R
Art Unit	: 3775
Conf No.	: 3349

RESPONSE TO RESTRICTION REQUIREMENT DATED 03/19/2009

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The following remarks are in response to the restriction requirement dated 03/19/2009, and the Notice of Non-Compliant Amendment dated 05/19/2009.

The Examiner states that the pending claims are directed to the following distinct inventions and requests election of one of the inventions:

Group I, claims 1-24 and 26-32, drawn to a system; and

Group II, claim 25, drawn to a method.

Applicant hereby elects Group I (i.e., Claims 1-24 and 26-32) for prosecution in the above-captioned application.

Further, the Examiner states that the pending claims are directed to the following patentably distinct species of an orientation device:

Species I, corresponding to Figure 7;
Species II, corresponding to Figure 12; and
Species III, corresponding to Figure 13.

Applicant provisionally elects Species I (corresponding to Figure 7) if no generic claim is finally held to be allowable. Further, Applicant respectfully submits that at least Claims 1-7, 16-18, and 25-26 are generic to each species. Applicant additionally submits that at least Claims 8-10, 27-30 are generic to Species I (corresponding to Figure 7) and Species II (corresponding to Figure 12). Applicant additionally submits that other claims may be generic to the non-elected species in each category.

Further, the Examiner states that the pending claims are directed to the following patentably distinct species of a manipulation joint head:

Species I, corresponding to Figure 1;
Species II, corresponding to Figure 14; and
Species III, corresponding to Figure 15.

Applicant provisionally elects Species II (corresponding to Figure 14) if no generic claim is finally held to be allowable. Further, Applicant respectfully submits that at least Claims 1, 4-15, and 19-32 are generic to each species. Applicant additionally submits that at least Claim 16 is generic to Species II (corresponding to Figure 14) and Species III (corresponding to Figure 15). Applicant additionally submits that other claims may be generic to the non-elected species in each category.

No Disclaimers or Disavowals

Although the present communication may include characterizations of claim scope or referenced art, Applicant is not conceding in this application that pending claims are not patentable over the cited references. Rather, any characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related

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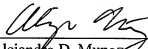
prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 26, 2009

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